EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

DOCKET NO.: 2007-0625-AGR-E **TCEQ ID:** RN101716298 **CASE NO.:** 33259

RESPONDENT NAME: Petrus Adrianus Boekhorst dba Petal Dairy

ORDER TYPE:							
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING					
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER					
AMENDED ORDER	_EMERGENCY ORDER						
CASE TYPE:							
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE					
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION					
X WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL					
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION					
SITE WHERE VIOLATION(S) OCCURE	RED: Petal Dairy, 336 County Road 3368, Hopkins	County					
TYPE OF OPERATION: Dairy operation							
SMALL BUSINESS: X Yes	_No						
OTHER SIGNIFICANT MATTERS: A concept pumping of dairy waste and manure into unnular enforcement actions regarding this facility lo	omplaint was received January 16, 2007. The complainmed creeks to the east and west of the facility. The cation.	ainant alleged a reoccurring problem of the ere is no record of additional pending					
INTERESTED PARTIES: A complaint wa Agenda.	is received, but the complainant has not expressed th	e desire to protest this action or to speak at					
COMMENTS RECEIVED: The Texas Reg	gister comment period expired on September 10, 200	7. No comments were received.					
CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Merrilee Hupp, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4490; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468 Respondent: Mr. Petrus Boekhorst, Owner, Petal Dairy, 336 County Road 3368, Saltillo, Texas 75478							
	esented by counsel on this enforcement matter						

RESPONDENT NAME: Petrus Adrianus Boekhorst dba Petal Dairy DOCKET NO.: 2007-0625-AGR-E

VIOLATION SUMMARY CHART: CORRECTIVE ACTIONS PENALTY CONSIDERATIONS VIOLATION INFORMATION TAKEN/REQUIRED 1964 1/2 Type of Investigation: Total Assessed: \$6,000 **Corrective Actions Taken:** X Complaint ___ Routine The Executive Director recognizes that the Total Deferred: \$1,200 Enforcement Follow-up Respondent has implemented the X Expedited Settlement following corrective measures at the Records Review Facility: Financial Inability to Pay Date(s) of Complaints Relating to this a. By January 24, 2007, repaired the Case: January 16, 2007 **SEP Conditional Offset: \$0** malfunctioning hose reel used for irrigation, pumped out the leaking Date of Investigation Relating to this Total Paid to General Revenue: \$4,800 retention control structure, and plugged a Case: January 23, 2007 gopher hole in the bank of the retention Site Compliance History Classification Date of NOE Relating to this Case: control structure; X High Average Poor March 23, 2007 (NOE) b. By January 24, 2007, completed **Person Compliance History Classification** collecting and covering cattle carcasses at Background Facts: This was a complaint X High Average Poor the Facility with compost soil; investigation. Four violations were documented. Major Source: Yes X No c. By January 29, 2007, provided a 100foot buffer between cattle pen and WATER Applicable Penalty Policy: September 2002 irrigation well; and 1) Failure to prevent unauthorized d. On May 21, 2007, provided certification discharges. Specifically, wastewater was by a licensed Texas professional engineer observed seeping through the dam in the for the design specifications and final Retention Control Structure No. 4. construction of the new retention control flowing across the dairy property on the structure/settling pond. west side, and entering an unnamed creek from a culvert under County Road 3368. Wastewater was also observed pooling and flowing in and across Land Management Unit No. 2, leaving the dairy property and entering a creek flowing east of Farm-to-Market Road 900 [30 Tex. ADMIN. CODE § 321.31(a), TEX. WATER CODE § 26.121(a), and General Permit No. TXG920000, Part III A.11.(d)(1)]. 2) Failure to locate a holding pen at least 100 feet from a water well used for agriculture irrigation. Specifically, during the investigation, cattle were observed approximately ten feet from the irrigation well [30 Tex. ADMIN. CODE § 321.38(b)(3) and General Permit No. TXG920000, Part III A.4.(c)(1)(iii)]. 3) Failure to obtain certification by a licensed Texas professional engineer for the design specifications and construction of a new retention control structure. Specifically, a new retention control structure ("RCS") had been constructed

and was in use, as documented during the January 23, 2007 investigation, and no

RESPONDENT NAME: Petrus Adrianus Boekhorst dba Petal Dairy **DOCKET NO.:** 2007-0625-AGR-E

certification for its design or completed	
construction could be provided to the	
investigator [30 Tex. ADMIN. CODE §	
321.38(e)(2) and General Permit No.	
TXG920000, Part III A.6.(a)(1)].	
4) Failure to collect and properly dispose	
of cattle carcasses. Specifically, partially	
covered and uncovered cattle carcasses	
were documented during the January 23,	
2007 investigation [30 Tex. ADMIN. CODE	
§ 321.36(1) and General Permit No.	
TVC020000 Port III A 10 (a)]	

	Policy Revision 2 (Sept	Penalty Calculation Worksheet (PCW) PCW Revision M.	arch 19, 2007
TCEO			
DATES	S Assigned PCW		an opportunity open a pop to a respensive open
RESPO	ONDENT/FACILITY		
		Petrus Adrianus Boekhorst dba Petal Dairy	
	Reg. Ent. Ref. No. acility/Site Region		
	acinty/ofte Region	o-i yici wajonwinoi Source winoi	L
CASE	INFORMATION		
	Enf./Case ID No.		
	Docket No. Media Program(s)	2007-0625-AGR-E Order Type 1660 Water Quality Enf. Coordinator Merrilee Hupp	
	Multi-Media		
	Admin. Penalty \$ I		
		Penalty Calculation Section	
TOTA	AL BASE PENAL	TY (Sum of violation base penalties) Subtotal 1	\$7,500
ADJU	JSTMENTS (+/-)	TO SUBTOTAL 1 ned by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	
	Compliance Histo		-\$750
	Notes	Reduction due to High Performer classification.	
	Culpability	No 0% Enhancement Subtotal 4	\$0
	Notes	The Respondent does not meet the culpability criteria.	***************************************
	Good Faith Effor Extraordinary Ordinary N/A	Before NOV NOV to EDPRP/Settlement Offer X	\$750
	Notes	The Respondent achieved compliance on May 21, 2007 by providing a Texas Registered Professional Engineer's certification of the new retention control structure, stopping the unauthorized discharges, relocating the cattle pen, and covering exposed cattle carcasses.	
	Approx.	Total EB Amounts \$34 *Capped at the Total EB \$ Amount \$2,300	\$0
SUM	OF SUBTOTAL	S 1-7 Final Subtotal	\$6,000
		S JUSTICE MAY REQUIRE Subtotal by the indicated percentage. (Enter number only; e.g30 for -30%.)	\$0
00.00	Notes		
		Final Penalty Amount	\$6,000
STAT	TUTORY LIMIT A	ADJUSTMENT Final Assessed Penalty	\$6,000
	ERRAL	20% Reduction Adjustment	-\$1,200
L'eance	s ule rilidi Assessed Per	nalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)	
Accept 1 to 1	Notes	Deferral offered for expedited settlement.	

\$4,800

PAYABLE PENALTY

Policy Revision 2 (September 2002) PCW Revision March 19, 2007

Respondent Petrus Adrianus Boekhorst dba Petal Dairy Case ID No. 33259

Reg. Ent. Reference No. RN101716298 Media [Statute] Water Quality Enf. Coordinator Merrilee Hupp

	Compliance History Worksheet	in delen opposite de	e Santanta de la calega	
ompliance History Component	<i>r Sité</i> Enhancement (Subtotal 2) Number of <i>E</i>	nter Number Here	Adjust.	ing.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	Ó	0%	
	Other written NOVs	0	. 0%	
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	'0'	0%	
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	(i)	0%	
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	V (0)	0%	lik viji
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0 0	/ 0%	:4,% ₁
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%	1
Emissions	Chronic excessive emissions events (number of events)	0	0%	1
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%	
riddio	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)		0%	
	Pleas	se Enter Yes or No		•
	Environmental management systems in place for one year or more	No	0%	
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	Nó	0%	
	Participation in a voluntary pollution reduction program	No	0%	
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%	
	Adjustment P	ercentage (Si	ubtotal 2)	
peat Violator (Su	btotal 3) The state of the stat			
No	Adjustment P	ercentage (Si	ubtotal 3)	C
mpliance History	Person Classification (Subtotal 7)		ing and the	iel:
High Per	former Adjustment P	ercentage (Si	ubtotal 7\	-1
mpliance History	And the state of t			· ·
Compliance History Notes	Reduction due to High Performer classification.	ma care 25 Marie V. Joseph Politica (ing and a second	
	Total Adjustment Developer	(Cubtotal=		-10
	Total Adjustment Percentage	(Subtotals 2	2, 3, & <i>1</i>)	

	Scre	ening Date	12-Apr-2007		Do	ocket No. 2007-062	5-AGR-E	PCW
	R	espondent	Petrus Adriar	ius Boekhorst	dba Petal Dair	y	Policy	Revision 2 (September 2002)
	C	ase ID No.	33259		\$		F	CW Revision March 19, 2007
Reg.	Ent. Ref	erence No.	RN10171629	8				
		ia [Statute]						
		oordinator) '				
	Viola	ition Number	11					- ■1
		Rule Cite(s)	30 Tex. Adn			Vater Code § 26.121(a , Part III A.11.(d)(1)	a), and General Permit	
	Violation	n Description	2007 investig the final Re west side, a Wastewater	gation. Specification Control and entering and was also obse	cally, wastewa of Structure No n unnamed cre erved pooling a airy property ar	. 4, flowing across the ek from a culvert und and flowing in and acro	uring the January 23, oing through the dam i dairy property on the er County Road 3368. oss Land Management wing east of Farm-to-	
							Base Penalt	y \$10,000
>> Enviro	nmental	, Property a	ınd Human	Health Mat	rix			
		anning Committee Associated Service Services Committee C	North (200 - 200 - 200 - 200 - 200 - 200 - 200 - 200 - 200 - 200 - 200 - 200 - 200 - 200 - 200 - 200 - 200 - 2	Harm	CO. THE S. N. CO. W. CO. CO. CO. CO. CO. CO. CO. CO. CO. CO		112 TOO-0 44 VIII COMANDE	
06		Release	Major	Moderate	Minor			Security (PPPAPA
OR		Actual Potential		X		Percent	25%	
		Potential				reicent	25%	
>>Prograi	mmatic I	Matrix						
		Falsification	Major	Moderate	Minor	156 W.C. 187 187 187 1		
						Percent	0%	
						1		
The second secon	Matrix Notes	Human heal	th or the envir	onment has be	een exposed to of this violation	_	of pollutants as a resul	t t
							# ¢7.50	ō
					- I aligina d	Adjustmer	it \$7,50	
						9		\$2,500
Violation	Events		The second secon	de distribuit de la constant de la c			7 P. 10	
		Number of Vi	olation Events	2	Ī	1 Number	of violation days	-
		Number of Vic	Sidilon Events		l L	1 Jivanibei v	or violation days	
			daily					
acceptance of the control of the con			monthly					
11.00		mark only one	quarterly				Violation Base Penal	y \$5,000
To the state of th		with an x	semiannual					
			annual					
			single event	X				
powerphoto appropriate area manifest		Two single	events are re		or the two unau		ocumented during the	W
The state of the s								_
Economic	c Benefil	t (EB) for th	is violation			Statuto	ory Limit Test	
		Estimate	d EB Amount		\$0	Violat	ion Final Penalty Tot	al \$4,000
				. т	hie violation !	Final Assessed Done	lty (adjusted for limit	s) \$4,000
		X			ma violation i	mai Assesseu Fella	ny (aujusteu IOI IIIIII	φ4,000

Economic Benefit Worksheet Respondent Petrus Adrianus Boekhorst dba Petal Dairy Case ID No. 33259 Reg. Ent. Reference No. RN101716298 Media Water Quality Years of Percent Interest Violation No. 1 Depreciation 15 Item Cost **Date Required** Final Date Yrs Interest Saved Onetime Costs EB Amount Item Description No commas or \$ **Delayed Costs** 0.0 Equipment Buildings Other (as needed) 0.0 0.0 Engineering/construction \$0 n/a 0.0 Land Record Keeping System n/a Training/Sampling 0.0 n/a Remediation/Disposal 0.0 n/a Permit Costs 0.0 n/a Other (as needed) 0.0 Cost is approximate for the labor, materials, and disposal associated with the pumping and irrigation of wastewater, plugging of a gopher hole in the bank of a retention control structure, and repair of a malfunctioning hose reel used for irrigation. Date required is the investigation date and final date is when the unauthorized Notes for DELAYED costs discharges had ceased, the repairs of faulty irrigation equipment had been completed, and the leak in the retention control structure had been addressed. **Avoided Costs** ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) 0.0 Personnel 0.0 Inspection/Reporting/Sampling Supplies/equipment 0.0 Financial Assurance [2] 0,0 ONE-TIME avoided costs [3] 0,0 Other (as needed) Notes for AVOIDED costs \$300 TOTAL Approx. Cost of Compliance \$0

	ening Date 12-Ap			t No. 2007-0625-AGR-E	PGW
	espondent Petru		t dba Petal Dairy		Policy Revision 2 (September 2002)
	Case ID No. 33259				PCW Revision March 19, 2007
	erence No. RN10				ga-dann.
	ia [Statute] Wate				Co Julia
	oordinator Merril	ее Нирр			PC
Viol	ation Number	2	*	-	
	Rule Cite(s) 30	Tex. Admin. Code §	321.38(b)(3) and Ger A.4.(c)(1)(neral Permit No. TXG920000, Pa iii)	art III
Violatio	n Description irriga	ion, as documented	during the January 23	t from a water well used for agric ,2007 investigation. Specifically imately ten feet from the irrigation	, during
				Base	Penalty \$10,000
>> Environmenta	Proporty and U	uman Haalth Ma			
-> Environmenta	, Froperty and n	uman mealth wa Harm	UIX		,
	Release M	ajor Moderate	Minor		
OR	Actual				
	Potential		X	Percent 5%	
					*
>>Programmatic	COMMONDATION AND AND AND ARCHARACT				
	Falsification M	ajor Moderate	Minor		
				Percent 0%	
Matrix Notes				well from cattle pens could resu n insignificant amount of pollutar	
				Adjustment	\$9,500
					\$500
Violation Events					
		[i		
	Number of Violation	Events 1		Number of violation days	•
		aily	7	•	
	E. 1.1200.00	nthly	1		-
	# 5.45 EX 188	rterly	1	Violation Base	Penalty \$500
		annual	1	1.0.4.0 2400	,
	2024.00	nual	<u></u>		
	singl	e event x			
	One single	event is recommende	ed based upon the Jar	nuary 23, 2007 investigation date	· .
Economic Benefi	t (EB) for this vio	lation		Statutory Limit Tes	
	Estimated EB /	mount	\$0	Violation Final Pena	Ity Total \$400
					2
andre service and the service	er sammer i skriverijske likeramerer i se i - e i se sim i	연기 1 - 11일은 전 전면 1번째 및 1 1921 기상 및 11 12 (11 12 12 12	This violation Final	Assessed Penalty (adjusted fo	or limits) \$400

		conomic l	Benefit W	orks	sheet	rates Liver	
Respondent Case ID No.		Boekhorst dba Pe	etal Dairy		•	,	
Reg. Ent. Reference No.					1.00	Mathing Park	1.00
	Water Quality				, satu Kita kan Sa	Percent Interest	Years of Depreciation
			Strakkiringi i			5.0	15
100,000,000	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
(il thr/i (10)0 Item Description	of the Co. S. C. She & Co.		EΛ.	2 1152			
Delayed Costs							in a salay
Equipment	anas Barren	Sala as asset day to		0,0	\$0	\$0	\$0
Bulldings	AND NOTE OF STREET			0.0	\$0	\$0	\$0
Other (as needed)	is a marginal contract			0.0	\$0	\$0	\$0
Engineering/construction	\$400	23-Jan-2007	29-Jan-2007	0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling			THE ART STATE OF	0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs Other (as needed)				0.0	\$0 \$0	n/a n/a	\$0 \$0
	Cost is ann	roximate for the la	hor and fencing m	and this series	aggodlated with th	and a final backer, as well as well as the first	
Notes for DELAYED costs		pens and the irriga	ation well. Date re	quired is	the investigation	ie required buffer zo date and final date i	
	between cattle	pens and the irriga pe	ation well. Date re en was relocated a	quired is and com	the investigation pliance was achie	date and final date i ved.	s the date cattle
Avoided Costs	between cattle	pens and the irriga pe	ation well. Date re en was relocated a	quired Is and com intering	the investigation pliance was achie item (except for	date and final date i ved. one-time avoided o	s the date cattle
Avoided Costs	between cattle	pens and the irriga pe	ation well. Date re en was relocated a	quired is and com intering 0.0	the Investigation pliance was achie item (except for \$0	date and final date i ved. one-time avoided o	s the date cattle
Avoided Gosts Disposal Personnel	between cattle	pens and the irriga pe	ation well. Date re en was relocated a	quired is and composite intering 0.0 0.0	the investigation pliance was achie item (except for \$0 \$0	date and final date ived. one-time avoided of \$0 \$0 \$0	s the date cattle
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	between cattle	pens and the irriga pe	ation well. Date re en was relocated a	ntering 0.0 0.0	the Investigation pliance was achie item (except for \$0 \$0 \$0 \$0	date and final date i ved. one-time avoided of \$0 \$0 \$0 \$0	s the date cattle
Avoided Gosts Disposal: Personnel Inspection/Reporting/Sampling Supplies/equipment	between cattle	pens and the irriga pe	ation well. Date re en was relocated a	ntering 0.0 0.0 0.0	the investigation pliance was achie item (except for \$0 \$0 \$0	date and final date lived. one-time avoided of \$0 \$0 \$0 \$0	s the date cattle sosts) \$0 \$0 \$0 \$0
Avoided Gosts Dispòsal' Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANNI	pens and the irriga pe	ation well. Date re en was relocated a	ntering 0.0 0.0 0.0 0.0 0.0	the investigation pliance was achie item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	date and final date lived. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	s the date cattle sosts) \$0 \$0 \$0 \$0 \$0
Avoided Gosts Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	between cattle	pens and the irriga pe	ation well. Date re en was relocated a	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	the Investigation pliance was achie litem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	date and final date ived. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	s the date cattle sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Avoided Gosts Dispòsal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANNI	pens and the irriga pe	ation well. Date re en was relocated a	ntering 0.0 0.0 0.0 0.0 0.0	the investigation pliance was achie item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	date and final date lived. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	s the date cattle sosts) \$0 \$0 \$0 \$0 \$0
Avoided Gosts Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANNI	pens and the irriga pe	ation well. Date re en was relocated a	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	the Investigation pliance was achie litem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	date and final date ived. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	s the date cattle sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Avoided Gosts Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANNI	pens and the irriga pe	ation well. Date re en was relocated a	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	the Investigation pllance was achie item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	date and final date ived. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	s the date cattle sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$

The second of th

ราวิทยา (การณ์**น**ะ

Screening Date	12-Apr-2007		Do	ocket No. 2007-0625-AGR-E		PCW
Respondent	Petrus Adrianu	ıs Boekhorst	dba Petal Dairy		Policy Re	vision 2 (September 2002)
Case ID No.	33259				PCV	/ Revision March 19, 2007
Reg. Ent. Reference No.	RN101716298					
Media [Statute]						
Enf. Coordinator						
Violation Number						
Rule Cite(s	30 Tex. Ad	lmin. Code §		d General Permit No. TXG920000, .(a)(1)	Part III	
Violation Description	specifications retention documented d	and construe n control strue luring the Jar	ction of a new re cture ("RCS") ha nuary 23, 2007 ir	Texas professional engineer for the tention control structure. Specifical been constructed and was in usual to the tention, and no certification for the provided to the investigator.	ally, a new e, as	
				Bas	se Penalty	\$10,000
>> Environmental, Property	and Human I	Health Mat	rix			***************************************
D.L.		Harm	N 41			
OR Release		Moderate	Minor			
Potentia				Percent 0%		
	' <u> </u>			570		
>>Programmatic Matrix	14271					
Falsification	Major	Moderate	Minor	TO 2002 TO AND		e contraction
1 2 2	X			Percent 10%		nu promini de la compania del compania del compania de la compania del la compania de la compania dela compania del la compania de la compania del la compania del la compania del la comp
2 L 20 2						periodicae
Matrix Notes		100 percent	of the requirem	ent was not met.		
		A A A A A A A A A A A A A A A A A A A		Adjustment	\$9,000	
						\$1,000
		NAMES OF THE ORDER OF THE				
Violation Events						T SAME
Number of V	iolation Events	1	ı	97 Number of violation da	21/0	
Number of v	iolation Events[97 Indifficer of violation da	ays	
Territorio	daily		1			
	monthly					
mark only one	quarterly			Violation Ba	se Penalty	\$1,000
with an x	semiannual]			
000000000000000000000000000000000000000	annual					Week and the second
port	single event	X	Ш			
One	e single event is	recommend	ed based on the	January 23, 2007 investigation da	te.	•
Economic Benefit (EB) for the	nis violation			Statutory Limit To	est	
Estimate	ed EB Amount		\$34	Violation Final Pe	nalty Total	\$800
					-	
			This violation F	Final Assessed Penalty (adjusted	for limits)	\$800

	<u> </u>	conomic I	Benefit W	orks	heet	and the Carlotter	E.SCA
	Petrus Adrianus	s Boekhorst dba Pe		305 Fe15 57874	M.JA. E. P.J. 111111111111111111111111111111111	un ara a renegrational	
Case ID No.						andre en al de la cale	
Reg. Ent. Reference No. I	RN101716298				44.7	in and said of	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Media	Water Quality				, H.,	nuly looks take	Years of
Violation No.	3				14,190	Percent Interest	Depreciation
200 (100 miles) (1				A	i 40	5.0	15
32 34 FE 173 F	Item Cost	Date Required	Final Date	Yrs	Interest Saved	In Onetime Costs	EB Amount
Item Description	No commas or \$		The same of the sa				
The state of the s		50.0170.0150.0244596.3E40	CEPROS. Part of the terror of the section of the se	Maria de Cara de Servicio	CONTROL OF THE PARTY OF THE PAR	T. W. S. C. S.	
Delayed Costs			and the state of t	al Call	Lateria de la composición dela composición de la composición de la composición de la composición dela composición de la composición dela composición dela composición de la composición de la composición de la composición de la composición dela composición de la composición dela composición dela composición dela composición dela composición dela composición dela composici		4.7.2.2.4
Equipment	المتار التعلقية الكاه	istophologic base (France V	A server a server a server	0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$1,500	23-Jan-2007	21-May-2007	0.3	\$2	\$32	\$34
Land [Still of the stri			0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Remediation/Disposal Permit Costs				0.0	\$0	n/a n/a	\$0 \$0
				0,0 0,0 v retentio	\$0 \$0 on control structu	n/a n/a ure ("RCS"). Date red	\$0 \$0 quired is the
Permit Costs Other (as needed) Notes for DELAYED costs	investigation	date and final date	is when certification demons	0,0 0,0 w retention on of the strate con	\$0 \$0 on control structu RCS was comp npliance.	n/a n/a ure ("RCS"). Date red leted and submitted t	\$0 \$0 guired is the o the TCEQ to
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs	investigation	date and final date	is when certification demons	0,0 0,0 w retention on of the strate con	\$0 \$0 on control structu RCS was comp npliance. tem (except for	n/a n/a ure ("RCS"). Date red leted and submitted to	\$0 \$0 quired is the to the TCEQ to
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	investigation	date and final date	is when certification demons	v retention of the strate con	\$0 \$0 on control structu RCS was comp npliance. tem (except for \$0	in/a ire ("RCS"). Date red leted and submitted to red rene-time avoided c	\$0 \$0 quired is the to the TCEQ to
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	investigation	date and final date	is when certification demons	v retention of the strate con	\$0 \$0 on control structu RCS was comp npliance. tem (except for \$0 \$0	in/a ire ("RCS"). Date recleted and submitted to r one-time avoided co \$0 \$0	\$0 \$0 yulred is the to the TCEQ to costs) \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	investigation	date and final date	is when certification demons	v retention on of the strate con of the strate con of the strate con on tering in 0.0 0.0 0.0	\$0 \$0 on control structu RCS was comp npliance. tem (except for \$0 \$0	n/a n/a n/a ure ("RCS"). Date red leted and submitted to r one-time avoided of \$0 \$0 \$0 \$0	\$0 \$0 quired is the to the TCEQ to costs) \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	investigation	date and final date	is when certification demons	v retention on of the strate con of the strate con of the strate con on tering in 0.0 0.0 0.0 0.0 0.0	\$0 \$0 on control structu RCS was comp inpliance. tem (except for \$0 \$0 \$0	n/a n/a n/a ure ("RCS"). Date red leted and submitted to r one-time avoided c \$0 \$0 \$0 \$0 \$0	\$0 \$0 sulred is the to the TCEQ to costs) \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2]	investigation	date and final date	is when certification demons	o,0	\$0 \$0 on control structures. RCS was computation. Item (except for \$0 \$0 \$0 \$0 \$0	in/a in/a in/a in/a in/a in/a in/a in/a	\$0 \$0 gulred is the to the TCEQ to costs) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	investigation	date and final date	is when certification demons	0.0 0.0 v retention of the strate con 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	\$0 \$0 on control structu RCS was comp npliance. tem (except for \$0 \$0 \$0 \$0	in/a ire ("RCS"). Date recleted and submitted to some time avoided or some some some some some some some some	\$0 \$0 quired is the to the TCEQ to sosts) \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2]	investigation	date and final date	is when certification demons	o,0	\$0 \$0 on control structures. RCS was computation. Item (except for \$0 \$0 \$0 \$0 \$0	in/a in/a in/a in/a in/a in/a in/a in/a	\$0 \$0 sulred is the to the TCEQ to costs) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	investigation	date and final date	is when certification demons	0.0 0.0 v retention of the strate con 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	\$0 \$0 on control structu RCS was comp npliance. tem (except for \$0 \$0 \$0 \$0	in/a ire ("RCS"). Date recleted and submitted to some time avoided or some some some some some some some some	\$0 \$0 sulred is the to the TCEQ to costs) \$0 \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	investigation	date and final date	is when certification demons	0.0 0.0 v retention of the strate con ntering i 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 so on control structure. RCS was compropriate. tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	in/a ire ("RCS"). Date recleted and submitted to some time avoided or some some some some some some some some	\$0 \$0 quired is the to the TCEQ to sosts) \$0 \$0 \$0 \$0 \$0

, which will be the second of the second of

Scre	ening Date	12-Apr-2007	Docket No. 2007-0625-AGR-E	PCW
	Respondent	Petrus Adrianu	Boekhorst dba Petal Dairy	Policy Revision 2 (September 2002)
	Case ID No.	33259		PCW Revision March 19, 2007
Reg. Ent. Re				
		Water Quality		,
		Merrilee Hupp	•	
Viol	lation Number			
	Rule Cite(s)	30 Tex. Admi	. Code § 321.36(I) and General Permit No. TXG920000, Part III A.	10.(c)
Violatio	on Description		t and properly dispose of cattle carcasses. Specifically, partially coered cattle carcasses were documented during the January 23, 200 investigation.	
			Base P	enalty \$10,000
>> Environmenta	l, Property a	and Human H		ng yang didikilah
	Dolonco	Major	Harm Moderate Minor	Antonomic
OR	Release Actual		Moderate Minor	
- 第	Potential		x Percent 10%	

>>Programmatic				
	Falsification	Major	Moderate Minor Percent 0%	
	<u> </u>	<u> </u>	Percent 0%	
Matrix Notes			ly dispose of cattle carcasses may result in exposure of human heactant amount of pollutants below levels protective of human health cenvironment.	or the
			Adjustment	\$9,000
				\$1,000
				£
Violation Events		Baraga Barassa		
	Number of Vi	olation Events	1 Number of violation days	
	Number of Vi	olation Events	I Number of violation days	
		daily		
		monthly		0.000
	mark only one with an x	quarterly	x Violation Base P	Penalty \$1,000
	77.07 0.17 X	semiannuai		
		single event		•
	One qua	•	commended from the January 23, 2007 investigation date to the da ompliance was achieved on January 24, 2007.	ite
Economic Benef	it (EB) for th	nis violation	Statutory Limit Test	
	Estimate	d EB Amount	\$0 Violation Final Penalty	y Total \$800
			This violation Final Assessed Bonalty (adjusted for	limits) \$800
	and with the second of the sec		This violation Final Assessed Penalty (adjusted for	mmes) \$800

11000	RN101716298				V		
Wedia Violation No.	Water Quality					Percent Interest	Years of Depreciation
Ficialion 130.						5.0	15
of Williams Council	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	erat Pengir No.	rico ting (NAC)	St St.	9年7年7月2		
- Value destrucciona successor de un	o ozona a ozona o towa kono Caribbania			TOUGHT NAME OF STREET	daler eszeprenigoszanium mes	amen's stancy or a	
Delayed Costs	and the solidard operation	DATE SETTING ACCRESSION	Angelia de proprio local				وتناح فأفرز والمستعلا
Equipment				0.0	\$0	\$0	\$0
Buildings	A 11 25 A 17 AS, 13		11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	0.0	\$0	\$0	\$0
Other (as needed)	81,435,5455 15560	dig a style it are a st	11/1/14 11 April 14 11	0.0	\$0	\$0	\$0
Engineering/construction		didina	Mas Lake	0.0	\$0	; \$ 0	\$0
Land				0,0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$100	23-Jan-2007	24-Jan-2007	0.0	\$0	n/a	\$0
Permit Costs			Contract of the same	0.0	\$0	n/a	\$0
		i				de la companya del companya de la companya del companya de la comp	
Other (as needed)	Cost is ap					n/a arcasses, Date req	\$0 uired is the
Notes for DELAYED costs		investigation	on date and final o	rith the co late is wi	overing of cattle c nen compliance w	arcasses. Date req as achieved.	uired is the
Notes for DELAYED costs Avoided Costs		investigatio	on date and final o	rith the co late is wi	overing of cattle c nen compliance w item (except for	arcasses. Date req as achieved. one-time avoided o	uired is the
Notes for DELAYED costs Avoided Costs Disposal	ANN	investigatio	on date and final o	vith the co late is wh intering	overing of cattle conen compliance witem (except for \$0	arcasses, Date req as achieved. one-time avoided o	uired is the
Notes for DELAYED costs Avoided Costs Disposal Personnel	ANN	investigatio	on date and final o	ith the collate is when the collate is when the collate is when the collate in the collate is when the col	overing of cattle c nen compliance w item (except for \$0 \$0	arcasses. Date req as achieved. one-time avoided of \$0 \$0	costs) \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	ANN	investigatio	on date and final o	oith the collate is whentering	overing of cattle conen compliance witem (except for \$0 \$0 \$0	arcasses. Date req as achieved. one-time avoided o \$0 \$0	costs) \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel spectlon/Reporting/Sampling Supplies/equipment	ANN	investigatio	on date and final c	entering 0.0 0.0 0.0 0.0	overing of cattle conen compliance witem (except for \$0 \$0 \$0 \$0	arcasses, Date req as achieved. one-time avoided of \$0 \$0 \$0	uired is the costs) \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel spectlon/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN	investigatio	on date and final o	ontering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	overing of cattle conen compliance witem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	arcasses. Date req as achieved. one-time avoided of \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Suppiles/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	investigatio	on date and final c	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	overing of cattle conen compliance witem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	arcasses. Date req as achieved. one-time avoided of \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel spectlon/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN	investigatio	on date and final c	ontering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	overing of cattle conen compliance witem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	arcasses. Date req as achieved. one-time avoided of \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN (15)771	investigatio	on date and final of	rith the collate is when t	overing of cattle conen compliance with the compliance with the compliance with the complex of t	arcasses. Date req as achieved. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

and the state of the second of

Compliance History

Custon	ner/Respondent/Owner-Operator:	CN602843195	BOEKHORST, PETRUS	ADRIANUS	Classification: HIGH	Rating: 0.00
Regulated Entity:		RN101716298 PETAL DAIRY			Classification: HIGH	Site Rating: 0.00
ID Nun ₋ocatio	nber(s):	WASTEWATER	AGRICULTURE DAD 3368, HOPKINS CO.	PERMIT	Rating Date: September 0	TXG920170
				****	Nating Date. September 0	1 00 Repeat Violator. I
	Region:	REGION 05 - TYI	_ER			
	Compliance History Prepared:	April 17, 2007		w		
Agency Decision Requiring Compliance History:		Enforcement				·
Compl	iance Period:	April 17, 2002 to A	August 31, 2006			
TCEQ	Staff Member to Contact for Additional Info	rmation Regarding t	his Compliance History			
Name:	Merrilee G. Hupp	Ph	one: 512-239-4490			
		Site C	ompliance History Co	mponents		
1. Has	the site been in existence and/or operation	for the full five year	compliance period?	Yes		
2. Has	there been a (known) change in ownership	of the site during th	e compliance period?	No		
	es, who is the current owner?			N/A		
4. if Y	es, who was/were the prior owner(s)?			N/A		
5. Wh	en did the change(s) in ownership occur?			N/A		
Comp	oonents (Multimedia) for the Site :					
A.	Final Enforcement Orders, court judge	ments, and consent	decrees of the state of Tex	as and the federa	Il government.	
	N/A					
В.	Any criminal convictions of the state of	Texas and the fede	ral government.			
	N/A					
C.	Chronic excessive emissions events.					
	N/A					
D.	The approval dates of investigations. (1 06/24/2003 (61680) 2 07/31/2003 (144900) 3 08/03/2004 (283070) 4 07/20/2005 (400007) 5 05/22/2006 (466765)	CCEDS Inv. Track. I	No.)			
E.	Written notices of violations (NOV). (Co	CEDS Inv. Track. No	o.)			
F.	Environmental audits. N/A					
G.	Type of environmental management sy	ystems (EMSs).				
	N/A					
Н.	Voluntary on-site compliance assessm	ent dates.				
	N/A					
i.	Participation in a voluntary pollution re	duction program.				•
	N/A					
J.	Early compliance.				•	
	N/A					
Sites (Outside of Texas					
	N/A					

en de la companya del companya de la companya de la companya del companya de la companya del companya de la companya de la companya de la companya de la companya del companya de la companya del companya de la companya de la companya de la companya de la companya del companya de la companya de la companya del companya del companya del companya de la companya del companya del comp

en en en <mark>de mande de la composition de la c</mark> La composition de la La composition de la

en de la companya de la co

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
PETRUS ADRIANUS BOEKHORST	§	
DBA PETAL DAIRY	§	ENVIRONMENTAL QUALITY
RN101716298		

AGREED ORDER DOCKET NO. 2007-0625-AGR-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Petrus Adrianus Boekhorst dba Petal Dairy ("Mr. Boekhorst") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Boekhorst appear before the Commission and together stipulate that:

- 1. Mr. Boekhorst owns a dairy operation at 336 County Road 3368 in Hopkins County, Texas (the "Facility").
- 2. Mr. Boekhorst has discharged agricultural waste into or adjacent to any water in the state under Tex. Water Code ch. 26
- 3. The Commission and Mr. Boekhorst agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Boekhorst is subject to the Commission's jurisdiction.
- 4. Mr. Boekhorst received notice of the violations alleged in Section II ("Allegations") on or about March 28, 2007.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Boekhorst of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Six Thousand Dollars (\$6,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Boekhorst has paid Four Thousand Eight Hundred Dollars (\$4,800) of the administrative penalty and One

Thousand Two Hundred Dollars (\$1,200) is deferred contingent upon Mr. Boekhorst's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Mr. Boekhorst fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Mr. Boekhorst to pay all or part of the deferred penalty.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and Mr. Boekhorst have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that Mr. Boekhorst has implemented the following corrective measures at the Facility:
 - a. By January 24, 2007, repaired the malfunctioning hose reel used for irrigation, pumped out the leaking retention control structure, and plugged a gopher hole in the bank of the retention control structure;
 - b. By January 24, 2007, completed collecting and covering cattle carcasses at the Facility with compost soil;
 - c. By January 29, 2007, provided a 100-foot buffer between cattle pen and irrigation well; and
 - d. On May 21, 2007, provided certification by a licensed Texas professional engineer for the design specifications and construction of the new retention control structure/settling pond.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Mr. Boekhorst has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner of the Facility, Mr. Boekhorst is alleged to have:

1. Failed to prevent unauthorized discharges, in violation of 30 Tex. Admin. Code § 321.31(a), Tex. Water Code § 26.121(a), and General Permit No. TXG920000, Part III A.11.(d)(1), as documented during an investigation conducted on January 23, 2007. Specifically, wastewater was observed seeping through the dam in the final Retention Control Structure No. 4, flowing

than the second of the second

across the dairy property on the west side, and entering an unnamed creek from a culvert under County Road 3368. Wastewater was also observed pooling and flowing in and across Land Management Unit No. 2, leaving the dairy property and entering a creek flowing east of Farm-to-Market Road 900.

- 2. Failed to locate a holding pen at least 100 feet from a water well used for agriculture irrigation, in violation of 30 Tex. ADMIN. CODE § 321.38(b)(3) and General Permit No. TXG920000, Part III A.4.(c)(1)(iii), as documented during an investigation conducted on January 23, 2007. Specifically, during the investigation, cattle were observed approximately ten feet from the irrigation well.
- 3. Failed to obtain certification by a licensed Texas professional engineer for the design specifications and construction of a new retention control structure, in violation of 30 TEX. ADMIN. CODE § 321.38(e)(2) and General Permit No. TXG920000, Part III A.6.(a)(1), as documented during an investigation conducted on January 23, 2007. Specifically, a new retention control structure ("RCS") had been constructed and was in use, and no certification for its design or completed construction could be provided to the investigator.
- 4. Failed to collect and properly dispose of cattle carcasses, in violation of 30 Tex. ADMIN. CODE § 321.36(l) and General Permit No. TXG920000, Part III A.10.(c), as documented during an investigation conducted on January 23, 2007. Specifically, partially covered and uncovered cattle carcasses were documented during the investigation.

III. DENIALS

Mr. Boekhorst generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Boekhorst pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Boekhorst's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Petrus Adrianus Boekhorst dba Petal Dairy, Docket No. 2007-0625-AGR-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

en et en en de le production de la company d

The first of the control of the cont

 $\label{eq:constraints} || (\mathcal{C}_{\mathcal{A}_{p,q}}) - (\mathcal{C}_{p,q}) - ($

Petrus Adrianus Boekhorst dba Petal Dairy DOCKET NO. 2007-0625-AGR-E Page 4

- 2. The provisions of this Agreed Order shall apply to and be binding upon Mr. Boekhorst. Mr. Boekhorst is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 3. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Boekhorst in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Mr. Boekhorst, or three days after the date on which the Commission mails notice of the Order to Mr. Boekhorst, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

	•
For the Commission	
Oplu Salli	9/7/07
For the Executive Director	Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEO seeking other relief as authorized by law.

OENHORS?

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

Name (Printed or typed) Authorized Representative of

Petrus Adrianus Boekhorst dba Petal Dairy

Date

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

ing a second of the control of the c